

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANE DOES 1, 2 and 3, individually
and on behalf of all other similarly situated,

Plaintiffs,
v.
Civil Case No. 17-12212
Honorable Linda V. Parker

THE COLISEUM BAR & GRILL, INC.,
ABCDE OPERATING, LLC d/b/a The
Penthouse Club, M & M ZIN ENTERPRISES,
INC., JOHNI SEEMA, AND ALAN
MARKOVITZ,

Defendants.

**OPINION AND ORDER DENYING, WITHOUT PREJUDICE,
DEFENDANTS' MOTION TO DISMISS (ECF No. 23)**

This lawsuit arises from the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.* and the Michigan Minimum Wage Law (“MWL”), MCL 408.382 *et seq.* On September 18, 2017, Defendants filed a motion to dismiss based upon an alleged mandatory arbitration agreement. (ECF No. 23.) Plaintiffs filed a response on October 9, 2017, claiming the arbitration agreement is invalid because it contains an invalid collective action waiver. On May 31, 2018, Defendants filed a request for an immediate hearing on the motion to dismiss in light of the United States Supreme Court’s decision in *Epic Sys. Corp. v. Lewis*, No. 16-285, 2018 WL 2292444 (U.S. May 21, 2018). (ECF No. 59.) On June 20, 2018, this Court held a

hearing on the motion to dismiss. The Court finds Defendants' motion premature and denies the motion for the reasons stated on the record.

Accordingly,

IT IS ORDERED that Defendants' motion to dismiss (ECF No. 23) is **DENIED, without prejudice.**

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: July 16, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, July 16, 2018, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager